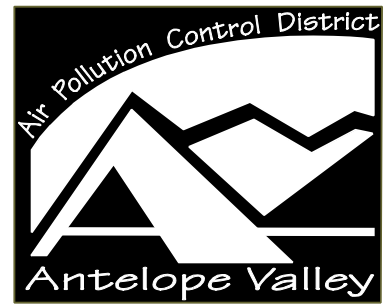


ANTELOPE VALLEY
AIR POLLUTION CONTROL DISTRICT



Staff Report

Amendments to
Regulation XIII – *New Source Review*

For adoption of amendments on
March 20, 2001
(Hearing Continued from September 19, 2000,
to November 21, 2000, and January 16, 2001)

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STAFF REPORT

Amendments to Regulation XIII – *New Source Review*

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The Federal Clean Air Act (FCAA) requires as a part of the State Implementation Plan (SIP), the adoption and approval of a preconstruction review program for all new or modified stationary sources of air pollution in areas which have been designated non-attainment for any national ambient air quality standard (42 U.S.C. §7502(c)(5), FCAA §172(c)(5)). The California Clean Air Act requires that districts designated nonattainment for state air quality standards develop and implement a preconstruction review permitting program for major stationary sources of air pollution (Health & Safety Code §40918(a)). The program developed to meet these requirements is commonly referred to as “New Source Review”.

The Antelope Valley Air Pollution Control District (AVAPCD) is required to have a New Source Review Program because the portion of the Mojave Desert Air Basin located within Los Angeles County is designated Federal nonattainment for Ozone (40 CFR 81.305) and State nonattainment for Ozone and PM10 (17 Cal. Code Regs. §§60201, 60205). The South Coast Air Quality Management District (SCAQMD), the predecessor agency to the AVAPCD, adopted and submitted a New Source Review Program in the form of Regulation XIII. USEPA approved the 1996 and 1997 amendments to the program into the SIP at 40 CFR 52.220(c)(240)(i)(A)(1) (12/04/96, 61 FR 64291). Thus, the current New Source Review program for the AVAPCD is this approved program.

Since at the time of the original adoption of Regulation XIII SCAQMD encompassed portions of several different air basins, each with a slightly different nonattainment and classification profile, SCAQMD developed the rules to comply with the most stringent air basin requirements. This meant that the majority of Regulation XIII was developed to comply with an air basin which had an extreme ozone nonattainment status, the South Coast Air Basin (SCAB). Very few of the requirements were divided with different trigger levels or other requirements for Non-SCAB regions within SCAQMD. The AVAPCD as a separate air district, in a separate air basin, with a different nonattainment classification from that of SCAB needs a New Source Review program which reflects the classification of the Antelope Valley.

The Proposed amendments to Regulation XIII - *New Source Review* have been designed to reflect the AVAPCD's nonattainment classification of Severe 17 for ozone. The proposed amendments also completely reorganize the regulation for clarity and ease of use as well as reformat the rules to conform with current AVAPCD rule format.

The proposed amendments to Regulation XIII – *New Source Review* were sent to CARB and USEPA on or about November 26, 1999, March 16, 2000, June 2, 2000, August 19, 2000, September 20, 2000, October 5, 2000, November 21, 2000, December 1, 2000, February 13, 2001, and February 20, 2001. The proposed amendments are not expected to cause any emissions increases within the AVAPCD.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the AVAPCD: 1. Conduct a public hearing to consider the adoption of amendments to Regulation XIII – *New Source Review*, namely Rules 1300 - 1313; 2. Make a finding of no significant impact; and 3. Adopt a resolution making appropriate findings, certifying the Negative Declaration, approving the Regulation and directing staff actions. Such action is necessary to reorganize and restructure Regulation XIII – *New Source Review* for clarity, consistency and standardization. The proposed amendments are necessary to conform the threshold, offset ratios and other requirements with the FCAA requirements for Severe-17 ozone non-attainment areas and shift compliance with FCAA requirements from an aggregate basis to a source by source, modification by modification strategy.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for procedurally correct adoption or approval of this document. Each item is discussed, if applicable, in section V below. Copies of documents are included in the appropriate Appendix.

FINDINGS REQUIRED FOR RULES & REGULATIONS

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Nonduplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION

- X Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- N/A Exemption
- X Negative Declaration
- N/A Environmental Impact Report
- N/A Appropriate findings, if necessary.
- X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- X Environmental impacts of compliance.
- X Mitigation of impacts.
- X Alternative methods of compliance.

OTHER:

- X Economic Analysis
- X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

1. State Findings Required for Adoption of Rules & Regulations

Before adopting, amending, or repealing a rule or regulation, the AVAPCD Governing Board is required to make findings of necessity, authority clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing (Health & Safety Code §40727). The information below is provided to assist the Board in making these findings.

- a. Necessity: The proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, are necessary to reorganize and restructure the regulation for clarity, consistency and standardization. The proposed amendments are also necessary to conform the threshold, offset ratios and other requirements with the FCAA requirements for Severe-17 ozone non-attainment areas and shift compliance with FCAA requirements from an aggregate basis to a source by source, modification by modification strategy.
- b. Authority: The AVAPCD has the authority pursuant to Health & Safety Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the AVAPCD.
- c. Clarity: The proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, will affect all new or modified stationary sources of air contaminants within the AVAPCD. The amendments will clarify the provisions of the regulation such that all procedural requirements will be contained in a single rule, calculations will be contained in specifically labeled rules, and all terms used will be fully defined. Therefore, the proposed amendments are written in a manner so that they may be easily understood by persons subject to the regulation.
- d. Consistency: The proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, are in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation or court decisions. Please see the *[bracketed italicized]* notations in the redline version (Appendix “A”) for an explanation of the consistency of specific amendments.

- e. Nonduplication: The proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, implements State and Federal law and regulation in that the underlying requirements are for the adoption of a program. The program elements are specified by State and Federal law but are not directly enforceable without a local regulation. Please see the *[bracketed italicized]* notations in the redline version (Appendix “A”) for an explanation of the state or federal law or regulation underlying specific amendments.
- f. Reference: The proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, are properly referenced. Please see the *[bracketed italicized]* notations in the redline version (Appendix “A”) for an explanation of the state or federal law or regulation underlying specific amendments.
- g. Public Notice & Comment/Public Hearing: Notice for the public hearing for proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, was published August 19, 2000. See Appendix “B” for a copy of the public notice. The proposed amendments were also reviewed by a District assembled task force, CARB and USEPA. The task force members and CARB provided comments. See Appendix “C” for copies of all comments and the AVAPCD responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals)

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying Federal law which requires the submittal. In addition, all documents which are to be submitted as part of the SIP are required to undergo proper notice and public hearing as well as follow all appropriate state laws or other requirements for the adoption of the particular document (42 U.S.C. §7410(a)(2) and 7410(l), FCAA §§110(a)(2) and 110(l); 40 CFR 51.102(d), 51 Appendix V 2.1(c), (e), (f) and (h))

The information below indicates which elements are required for the adoption of the proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, and how they were satisfied.

- a. Satisfaction of Underlying Federal Requirements: The proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, are required to satisfy the provisions of 42 U.S.C. §§7502(c)(5), 7511a (FCAA §§172(c)(5), 182) and 40 CFR 51.160 et seq. because the portion of the Mojave Desert Air Basin located within Los Angeles County has been designated Federal non-attainment for ozone (40

CFR 81.305) and classified as Severe-17. The proposed amendments have been designed to conform the threshold, offset ratios and other requirements with the FCAA requirements for Severe-17 ozone non-attainment areas and shift compliance with FCAA requirements from an aggregate basis to a source by source, modification by modification strategy. Please see the *[bracketed italicized]* notations in the redline version (Appendix “A”) for an explanation of the state or federal law or regulation underlying specific amendments.

- b. Public Notice and Comment: Public notice was published on August 19, 2000. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of all comments and the AVAPCD responses.
- c. Availability of Document: Copies of the proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, and its draft staff report were made available to the public on August 19, 2000 with the most recent draft being made available on February 20, 2001.
- d. Notice to Specified Entities: Copies of the proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, were sent to affected agencies, including CARB and USEPA on or about November 26, 1999, March 16, 2000, June 2, 2000, August 19, 2000, September 20, 2000, October 5, 2000, November 21, 2000, December 1, 2000, February 13, 2001, and February 20, 2001.
- e. Public Hearing: A public hearing to consider the proposed amendments to Regulation XIII – *New Source Review*, namely Rules 1300-1313, was originally set for September 19, 2000 and continued to November 21, 2000, to January 16, 2001 to March 20, 2001
- f. Legal Authority to Adopt and Implement the Document: The AVAPCD has the authority pursuant to Health & Safety Code §40702 to adopt, amend, or repeal rules and regulation and do such acts as may be necessary or proper to execute the duties imposed upon the AVAPCD.
- g. Applicable State Laws and Regulations Were Followed: Public notice and hearing procedures have been followed pursuant to Health & Safety Code §40725-40728. In addition, see Section (V)(A)(1) above for compliance with state findings. See Section (V)(C) below for compliance with the California Environmental Quality Act (CEQA).

3. Written Analysis of Existing Requirements

Health & Safety Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for adoption or modification by the district. Regulation XIII – *New Source Review* is not a direct regulation of any particular equipment or source type. Therefore, the analysis of the existing federal requirements is not necessary.

B. ECONOMIC ANALYSIS

1. General Analysis

Regulation XIII – *New Source Review* currently impacts all new or modified stationary sources of air pollution within the AVAPCD. The proposed amendments will not change this. However, analysis procedure and the permit issuance process for non-major sources will be modified.

Currently all new and most modified stationary sources of air pollution are processed through the full New Source Review analysis procedure. The proposed amendments to the regulation allow new or modified facilities emitting or having the potential to emit less than 25 pounds per day of nonattainment air pollutants to be issued their permits directly under Regulation II – Permits. Facilities emitting or having the potential to emit greater than or equal to 25 pounds per day of nonattainment air pollutants but less than the offset threshold (non-major facilities) will continue to be required to install Best Available Control Technology (BACT) but the permits will be issued pursuant to Regulation II rather than Regulation XIII. New or modified major facilities will continue to require a full analysis under the proposed amended regulation. However, the procedure required to utilize internal offsets to “net-out” of offset requirements has been streamlined. Thus, it is anticipated that small, non-major sources of air pollution will realize cost savings due to the streamlined procedure for permit issuance. In addition, due to the streamlining of internal offset procedures some major sources of air pollution will also realize a cost savings. Major facilities which are not able to utilize internal offsetting may have increased costs due to the change in offset ratio which would require the purchase of more offsets per ton of emissions.

2. Incremental Cost Effectiveness Analysis

Pursuant to Health & Safety Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control VOC, NO_x or oxides of Sulfur. The proposed amendments to Regulation XIII – *New Source Review* does not directly require the imposition of specific technology on particular types of equipment. In addition, this regulation imposes requirements on new or modified facilities and equipment rather than retrofit of existing, non-modified equipment. Therefore, incremental cost effectiveness calculations are unnecessary.

C. ENVIRONMENTAL ANALYSIS (CEQA)

1. CEQA Determination

Through the process described below it was determined that a Negative Declaration would be the appropriate CEQA Process for the proposed amendments to Regulation XIII – *New Source Review*.

- a. The proposed amendments to Regulation XIII – *New Source Review* meet the CEQA definition of “project”. It is not a ministerial action.
- b. The proposed amendments to Regulation XIII – *New Source Review* are not exempt from CEQA review. The amendments could potentially result in an impact upon air quality, therefore no statutory or categorical exemptions apply.
- c. Because the proposed amendments to Regulation XIII – *New Source Review* were determined to be subject of CEQA review, an initial study was performed. Based upon the results of the initial study, the adoption of these amendments will require a Negative Declaration, and an Environmental Impact Report is not required. For a copy of the Initial Study, proposed Negative Declaration and supporting documentation please see Appendix “D”.

D. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

Regulation XIII – *New Source Review* is primarily a procedural rule and does not prescribe specific control measures to be utilized on all new or modified sources of air pollution. However, the regulation does require the imposition of BACT on sources which emit or have the potential to emit over 25 pounds per day of any non-attainment air pollutant. BACT is a case by case determination and is highly specific to the particular emitting equipment. BACT determinations will continue to be made as in the current regulation. In addition, the proposed amendments to Regulation XIII – *New Source Review* do not require the use of additional emissions control technology beyond that currently required by the regulation, or current state and federal requirements. Therefore, the proposed amendments do not have a potential to impose technology which might endanger or degrade the environment.

2. Mitigation of Impacts

Not Applicable.

3. Alternate Methods of Compliance

Not Applicable.

E. PUBLIC REVIEW

See Appendix “B” and “C”.

VI. TECHNICAL DISCUSSION

A. BACKGROUND

On July 1, 1997 the AVAPCD assumed all air pollution control responsibilities from the South Coast Air Quality Management District (SCAQMD) in the Los Angeles County portion of the MDAB (Health & Safety Code §40106). Health & Safety Code §40106(e) provides that the rules and regulations of SCAQMD remain in effect within the AVAPCD until the Governing Board adopts rules and regulations which supercede them. Thus, the currently effective Regulation XIII - *New Source Review* for the AVAPCD is the versions of these rules effective within SCAQMD on July 1, 1997.

1. Federal Clean Air Act (FCAA) Requirements

The FCAA requires each state to establish a plan to attain and maintain the National Ambient Air Quality Standards (NAAQS) in each air quality control region within the state. The FCAA requires, as a part of the SIP, the adoption and approval of a preconstruction review program for all new or modified stationary sources of air pollution in areas which have been designated non-attainment for any of the NAAQS (42 U.S.C. §7502(c)(5), FCAA §172(c)(5)). The FCAA also requires that areas designated non-attainment for ozone contain special preconstruction review requirements dependant upon the classification of the severity of the air pollution problem in that particular area (42 U.S.C. §7511a; FCAA §182).

The portion of the Mojave Desert Air Basin (MDAB) located within Los Angeles County has been designated Federal non-attainment for ozone (40 CFR 81.305) and classified as Severe-17. Therefore, the AVAPCD is required to have a New Source Review program which meets the requirements of 42 U.S.C. §7511a(d) (FCAA §182(d)). Each area classified as severe is required to meet the requirements for all non-attainment areas (42 U.S.C. §§7501 et seq., FCAA §§171 et seq.) and marginal through serious ozone non-attainment areas as well as those required for severe areas. Thus the AVAPCD is required to have a preconstruction review program (42 U.S.C. §§7502(c)(5) and 7511a(a)(2)(C), FCAA §§172(c)(5) and 182(a)(2)(C)) for major stationary sources of air pollution which emit or have the potential to emit at least 25 tons per year of Volatile Organic Compounds (VOC) or Oxides of Nitrogen (NO_x) (42 U.S.C. §7511a(d) and (f); FCAA §182(d) and (f)). Offsets for emissions increases at new or modified major sources of air pollution (42 U.S.C. §7503(a)(1)(A), FCAA §173(a)(1)(A)) are also required at a ratio of 1.3 to 1 (42 U.S.C. §7511a(d)(2); FCAA(d)(2)).

The SCAQMD, the predecessor agency to the AVAPCD, adopted and submitted a New Source Review Program in the form of Regulation XIII as a portion of the California SIP. USEPA approved the 1996 and 1997 amendments to the program into the SIP at 40 CFR 52.220(c)(240)(i)(A)(1) (12/04/96, 61 FR 64291). Because the jurisdiction of the SCAQMD contained areas of different classifications, located in different air basins the USEPA approved an equivalent “aggregating” major source threshold and offsetting strategy to cover the FCAA requirements for the South Coast Air Basin (SCAB), Salton Sea Air Basin (SSAB) and the MDAB. Since the jurisdiction of the AVAPCD does not contain any territory outside the MDAB the proposed amendments to Regulation XIII –

New Source Review will return from compliance with the FCAA requirements on an aggregate basis to a source by source, modification by modification basis utilizing the threshold levels and offset ratios found in 42 U.S.C. §7511a(d) (FCAA §182(d)).

2. California Clean Air Act (CCAA) Requirements.

The California Clean Air Act (Health & Safety Code §§39000 et seq.) requires that districts designated nonattainment for any of the State Ambient Air Quality Standards (SAAQS) develop and implement a preconstruction review permitting program for major stationary sources of air pollution (Health & Safety Code §40918(a)). The Health & Safety Code also requires the use of BACT on all new or modified stationary sources of air pollution which emit or have the potential to emit over 25 pounds per day or more of any non-attainment pollutant or its precursors (Health & Safety Code §40918(a)(1)).

The Los Angeles county portion of the MDAB, which comprises the jurisdiction of the AVAPCD, is designated nonattainment of the SAAQS for ozone and PM₁₀ (17 Cal. Code Regs. §§60201, 60205). Thus, the AVAPCD is required to have a New Source Review program which meets the requirements of the CCAA. The currently effective version of Regulation XIII - *New Source Review* meets these requirements.

B. PROPOSED AMENDMENTS SUMMARY

1. General Reorganization

Once adopted by the Governing Board, the proposed amendments to Regulation XIII - *New Source Review* will completely reorganize and restructure the regulation into a streamlined format. The Regulation will be reorganized from its current thirteen (13) rules into eight (8) rules. The current rule thresholds, offset ratios and other requirements have provided the FCAA requisite total emission reductions in the aggregate across the entire jurisdiction of SCAQMD. The proposed amendments will return the thresholds and offset ratios to compliance with the FCAA requirements on a source by source, modification by modification basis. Definitions, terminology and procedures will also be modified to accommodate the reorganization and to reflect current AVAPCD practices and procedures. Further modifications have been added to allow the full integration of the Toxic New Source Review Program (See AVAPCD Rules 1401 and 1402) into the general New Source Review analysis structure. An overview of the restructuring and reorganization is provided by Table 1.

Table 1

General Reorganization

Current Rule	Proposed Rule	Notes
Rule 1300 – <i>State Air Quality Standards</i> (Rescinded 6/28/90).	Rule 1300 – <i>General</i> .	Majority of provisions moved from current 1301, 1309 and 1313.
Rule 1301 – <i>General</i> .	Rule 1301 – <i>Definitions</i> .	Majority of provisions moved from current 1302.
Rule 1302 – <i>Definitions</i> .	Rule 1302 – <i>Procedure</i> .	Procedural provisions are now all in one rule.
Rule 1303 – <i>Requirements</i> .	Rule 1303 – <i>Requirements</i> .	Provisions which do not apply to Los Angeles County portion of MDAB removed.
Rule 1304 – <i>Exemptions</i> .	Rule 1304 – <i>Emissions Calculations</i> .	Majority of provisions moved from current 1306.
Rule 1305 – <i>Special Permit Provisions</i> (Rescinded 6/28/90).	Rule 1305 – <i>Emissions Offsets</i> .	Provisions moved from 1303. Majority of provisions derived from Health & Safety Code Requirements.
Rule 1306 – <i>Emission Calculations</i> .	Rule 1306 – <i>Electric Energy Generating Facilities</i> .	Special provisions required to allow smooth coordination with California Energy Commission siting and permitting process.
Rule 1307 – <i>Emissions Offsets</i> (Rescinded 6/28/90).	No Rule.	Placeholder rule removed.
Rule 1308 – <i>Eligibility of Emission Offsets And Bankable Emission Reductions</i> (Rescinded 6/28/90).	No Rule.	Placeholder rule removed.
Rule 1309 – <i>Emission Reduction Credits</i> .	Rule 1309 – <i>Emission Reduction Credits</i> .	Rule reorganized and procedural provisions added for clarity.
Rule 1309.1 – <i>Priority Reserve</i> .	Rescinded.	Credits not available to fund priority reserve. Rule removed as unnecessary.
Rule 1310 – <i>Analysis and Reporting</i> .	Rescinded.	Provisions moved to proposed rules 1309 and 1302.
Rule 1311 – <i>Power Plants</i> (Rescinded 6/28/90).	No Rule.	Place holder rule removed.
Rule 1312 – <i>Reserved</i> (Rescinded 6/28/90).	No Rule.	Place holder rule removed.
Rule 1313 – <i>Permits to Operate</i> .	Rescinded.	Provisions moved to proposed rule 1302.

2. Proposed Rule 1300 – General

This rule will discuss the purpose, applicability and compliance requirements of Regulation XIII. These provisions have been moved from current Rule 1301. It also provides several minor exemptions which have been moved from current Rule 1313. A new section regarding the interaction between Regulation XIII and other AVAPCD rules and a variety of other Federal requirements has been added for clarity. Specific provisions of this rule are listed in Table 2.

Table 2
Proposed Rule 1300 – General

Proposed New Rule	Revisions	Comments
1300 (In general)	Rule shifts from placeholder to general provisions.	Majority of provisions moved from current 1301, 1309 and 1313.
1300(A)	Purpose. Provisions moved from current Rule 1301(a) and 1309 ¶1.	Reorganization.
1300(B)	Applicability section added.	Clarity and consistency with current practice. All new or modified facilities and emissions units will receive at least an initial analysis under NSR. If the emissions are smaller than various trigger levels the permit issuance will continue pursuant to the provisions in Regulation II.
1300(C)	Violations section moved from current rule 1301(c)	Reorganization.
1300(D)	Exemptions section moved from current rule 1313.	Reorganization and clarity. Please note the exemptions contained in current 1304 were only partial exemptions from offsets, modeling or other requirements within NSR, not from the NSR process itself.
1300(E)	Interaction section added.	Clarity. Section added as a “reminder” that certain other District Rules and various Federal programs must also be complied with in addition to NSR.

3. Proposed Rule 1301 – Definitions

This rule sets forth the Definitions for terms which are utilized in the regulation. The majority of the terms have been moved from current Rule 1302. Terms have been modified to reflect the jurisdiction of the AVAPCD. Several terms have been added to reflect procedural changes caused by the reorganization and current

AVAPCD standard practices. The terms “Best Available Control Technology” and “Major Facility” have been modified to reflect the shift from the aggregate compliance with the FCAA to a source by source and modification by modification compliance strategy. Specific amendments and additions to this rule are discussed in Table 3.

Table 3
Proposed Rule 1301 – Definitions

Proposed New Rule	Revisions	Comments
1301 (In General)	Rule shifts from General to Definitions.	Majority of provisions moved from current 1302.
1301(A)	“Actual Emissions” moved from current rule 1302(a).	Reorganization. Terminology modified to reflect calculations and analysis on emissions unit by unit basis.
1301(B)	“Actual Emissions Reductions” (AER) added.	Allows use of term in Proposed Rule 1304(D).
1301(C)	“Adjustment” added.	Allows use of term in Proposed Rule 1304(D).
1301(D)	“Affected State” added.	Term is compatible with Title V requirements. May allow eventual use of NSR concurrently with certain Title V modifications.
1301(E)	“Allowable Emissions” moved from current rule 1302(c).	Reorganization.
1301(F)	“Air Pollutant” added.	Allows use of term throughout the Regulation.
1301(G)	“Air Pollution Control Officer” (APCO) added.	Allows use of term in proposed Rule 1302. Replaces “Executive Officer” of SCAQMD. Allows term “Executive Officer” to refer to head of CARB.
1301(H)	“Air Quality Attainment Plan” added.	Allows use of term in proposed Rule 1304(C)(3).
1301(I)	“Ambient Air Quality Standards” added.	Allows use of term throughout the Regulation.
1301(J)	“Application for Certification” added.	Allows use of term in proposed Rule 1306.
1301(K)	“Authority to Construct Permit” (ATC) added.	Allows use of term in proposed Rule 1302.
1301(L)	“Banking” (Banked) moved from current Rule 1302(d).	Reorganization.
1301(M)	“Begin Actual Construction” added.	Term required by USEPA.

Proposed New Rule	Revisions	Comments
1301(N)	“Best Available Control Technology” (BACT) moved and modified from current Rule 1302(f).	Reorganization. Term modified to require LAER or LAER equivalent for Major Facilities and BACT (economic component added) for non-major facilities. Backstop provisions added to ensure that BACT is always at least as stringent as SIP provisions, NSPS, NESHAP and MACT standards.
1301(N)(5)	BACT determination requirement moved and modified from current Rule 1303(a)(2).	Reorganization. Provision modified to require BACT analysis to be done on case by case basis rather than by production of a “BACT Book”.
1301(O)	“Best Available Retrofit Control Technology” (BARCT) moved from current Rule 1302(g).	Reorganization.
1301(P)	“California Air Resources Board” (CARB) added.	Allows use of term throughout the Regulation.
1301(Q)	“California Energy Commission” (CEC) added.	Allows use of term in proposed Rule 1306.
1301(R)	“Cogeneration Project” moved from current Rule 1302(h).	Reorganization.
1301(S)	“Commence Construction” added.	Term required by USEPA..
1301(T)	“Comprehensive Emission Inventory” added.	Allows use of term in proposed Rule 1302. Allows Toxic NSR process (See Rules 1401 and 1402) to be integrated into the general NSR process.
1301(U)	“Construction” added.	Allows use of term in proposed Rule 1301(M) and (S).
1301(V)	“Contiguous Property” added.	Allows use of term in proposed Rule 1301(FF).
1301(W)	“Dedicated Cargo Carriers” added.	Allows use of term in proposed Rule 1305(E)(3).
1301(X)	“District” added.	Allows use of term throughout the Regulation.
1301(Y)	“Electrical Energy Generating Facility” (EEGF) added.	Allows use of term in proposed Rule 1306.
1301(Z)	“Emissions Limitation” moved from current Rule 1302(i).	Reorganization. Term modified to allow emissions limitations to be expressed in any reasonable unit of measurement so long as enforceability and adequate monitoring can be ensured.
1301(AA)	“Emissions Reduction Credit” (ERC) moved from current Rule 1302(j).	Reorganization.
1301(BB)	“Emissions Unit” moved and modified from current Rule 1302(gg).	Reorganization. Term modified to reflect difference between equipment which requires permits and equipment which emit air contaminants but may or may not require permits. Certain calculations require inclusion of all emissions sources even if permits are not required.

Proposed New Rule	Revisions	Comments
1301(CC)	“ERC Certificate” added.	Allows use of term in proposed Rule 1309(B)(3).
1301(DD)	“Essential Public Service” moved from current Rule 1302(k).	Reorganization.
1301(EE)	“Executive Officer” added.	Allows term to be used to refer to the head of CARB. Please note, references to executive officer in current rule are to the head of SCAQMD. These references have been changed to APCO.
1301(FF)	“Facility” moved from current Rule 1302(m).	Reorganization. Provisions regarding outer continental shelf facilities removed because the AVAPCD’s jurisdiction does not contain any coastline.
1301(GG)	“Federally Enforceable” moved from current Rule 1302(n).	Reorganization. Term modified to be compatible with Title V requirements. May allow eventual use of NSR concurrently with certain Title V modifications.
1301(HH)	“Fugitive Emissions” added.	Allows term to be used in proposed Rules 1304(E), 1305(E).
1301(II)	“Halocarbons” added.	Allows term to be used within regulation.
1301(JJ)	“Historic Actual Emissions” added.	Allows term to be used in proposed Rule 1304.
1301(KK)	“Lowest Achievable Emissions Rate” (LAER) added.	Allows term to be used in proposed Rule 1301(N).
1301(LL)	“Major Facility” moved from current rule 1302(p).	Reorganization. Term modified to be compatible with Title V requirements. May allow eventual use of NSR concurrently with certain Title V modifications.
1301(MM)	“Major Modification” moved from current Rule 1302(o).	Reorganization.
1301(NN)	“Military Base Designated for Closure or Realignment” added.	Allows term to be used in proposed Rule 1309.
1301(OO)	“Mobile Source” moved from current Rule 1302(q).	Reorganization.
1301(PP)	“Modeling” moved from current Rule 1302(r).	Reorganization.
1301(QQ)	“Modification” moved from current Rules 1302(s), 1302(dd), 1304(a)(1), 1304(b)(1), and 1304(c)(1).	Reorganization. Term modified to comply with current USEPA regulations and guidance.
1301(RR)	“Motor Vehicle” added.	Allows term to be used in proposed Rule 1301(OO).
1301(SS)	“Net Air Quality Benefit” added.	Allows term to be used throughout the Regulation.
1301(TT)	“Net Emissions Increase” added.	Allows term to be used in proposed Rule 1304(B).
1301(UU)	“New Source Review Document” added.	Allows term to be used in proposed Rule 1302.

Proposed New Rule	Revisions	Comments
1301(VV)	“Nonattainment Air Pollutant” added.	Allows term to be used throughout the Regulation.
1301(WW)	“Nonpermitted Exempt Unit” added.	Term reflects difference between equipment which requires permits and equipment which emit air contaminants but may or may not require permits. Certain calculations require inclusion of all emissions sources even if permits are not required.
1301(XX)	“Notice of Intention” (NOI) added.	Allows term to be used in proposed Rule 1306.
1301(YY)	“Off-road Vehicle” added.	Allows term to be used in proposed Rule 1301(OO).
1301(ZZ)	“Offset Emission Reductions” (Offsets) added.	Allows term to be used throughout the regulation.
1301(AAA)	“Permanent” moved from current Rule 1302(w).	Reorganization.
1301(BBB)	“Permit to Operate” (PTO) added.	Allows term to be used in proposed Rule 1302.
1301(CCC)	“Permit Unit” moved from current Rule 1302(x) and (gg).	Reorganization. Term modified to reflect difference between equipment which requires permits and equipment which emit air contaminants but may or may not require permits. Certain calculations require inclusion of all emissions sources even if permits are not required.
1301(DDD)	“Person” added.	Allows term to be used throughout the regulation.
1301(EEE)	“PM10” moved from current Rule 1302(z).	Reorganization.
1301(FFF)	“Potential to Emit” moved from current Rule 1302(y).	Reorganization. Term modified to conform with current USEPA regulations and guidance.
1301(GGG)	“Precursor” moved from current Rule 1302(aa).	Reorganization.
1301(HHH)	“Proposed Emissions” added.	Allows term to be used in proposed Rules 1304(B)(1), 1304(E)(2-3), 1305(B)(1) and 1305(E)(2-3).
1301(III)	“Quantifiable” moved from current Rule 1302(cc).	Reorganization.
1301(JJJ)	“Readjustment” added.	Allows term to be used in proposed Rule 1309.
1301(KKK)	“Reactive Organic Compounded” added.	Allows the distinguishment of the state listing of exempt compounds from the federal listing of exempt compounds. The state listing is at times more stringent than the federal listing which is designated by the term VOC.
1301(LLL)	“Real” added.	Allows use of term in Rules 1305, 1309.
1301(MMM)	“Reasonably Available Control Technology” (RACT) added.	Allows use of term in Rule 1305, 1309.

Proposed New Rule	Revisions	Comments
1301(NNN)	“Reduced Sulfur Compounds” added.	Allows use of term throughout the Regulation.
1301(OOO)	“Registry” added.	Allows use of term in Rule 1309(B).
1301(PPP)	“Regulated Air Pollutant” moved and modified from current Rule 1302(b).	Reorganization. Term modified to reflect current District practices.
1301(QQQ)	“Seasonal Source” added.	Allows use of term in Rule 1305
1301(RRR)	“Secondary Emissions” added.	Allows use of term throughout the Regulation.
1301(SSS)	“Shutdown” added.	Allows use of term in Rules 1304(C)(2)(a), 1304(D)(2)(a) and 1309(D)(3)(b).
1301(TTT)	“Significant” added.	Conforms rule to current USEPA regulations and guidance.
1301(UUU)	“Simultaneous Emission Reduction” added.	Allows use of term in Rule 1304.
1301(VVV)	“State Implementation Plan” (SIP) added.	Allows use of term throughout the Regulation.
1301(WWW)	“Surplus” added.	Allows use of term in Rules 1305, 1309.
1301(XXX)	“Total Organic Compounds” added.	Allows use of term throughout the Regulation.
1301(YYY)	“United States Environmental Protection Agency” (USEPA) added.	Allows use of term throughout the Regulation.
1301(ZZZ)	“Volatile Organic Compounds” (VOC) moved and modified from current Rules 1302(l), 1302(v) and 1302(ii).	Reorganization. Allows the distinguishment of the state listing of exempt compounds from the federal listing of exempt compounds. The state listing, which is designated by the term ROC, is at times more stringent than the federal listing.

4. Case-by-Case BACT

A commenting party has expressed concern that the BACT analysis as defined in proposed Rule 1301(N) lacks a requirement for incremental cost effectiveness analysis in setting BACT levels (See Appendix C, Comments 2-52 and 2-61). Current Rule 1303(a)(2) requires the “Executive Officer” to periodically publish BACT levels or guidelines for “commonly permitted sources”. These guidelines are required, pursuant to Health & Safety Code §40440.11(c)(4), to be set using an “incremental cost effectiveness analysis” for each potential control option. These guidelines are adopted by the SCAQMD Governing Board and published on a periodic basis.

The AVAPCD is a much smaller agency than SCAQMD and has limited

resources. Continuing to research and update the BACT guidelines inherited from the SCAQMD would easily consume most, if not all available staff time and resources. Given the number of BACT determinations required on an annual basis in the AVAPCD this would not be cost effective. Therefore, Proposed Rule 1301(N) requires a case-by-case BACT analysis by class or category of source at the time of application. The BACT level produced under this analysis is an emissions limit rather than a suggested control equipment or strategy. Thus, any control equipment, device, process, or other control measure which allows the equipment to meet or exceed the BACT limit would meet the requirements of Proposed Rule 1303(A).

This case-by-case approach is used in most other air districts in the state. In general, a BACT analysis would be initiated by determining if BACT was necessary for the particular equipment involved (See Proposed Rule 1303(A)). If BACT was indeed necessary then the particular class or category of equipment would be determined. Research would then be conducted to determine the following: 1. BACT levels used historically for that class or category of equipment within the district; 2. Recent BACT determinations from SCAQMD for same or similar equipment; 3. Recent BACT levels set within other air districts from the State BACT Clearing House for same or similar equipment; 4. Recent BACT levels contained in the Federal BACT Clearing House for same or similar equipment. These BACT levels, especially the ones published by SCAQMD, will have already undergone extensive analysis including incremental cost effectiveness which would render a re-analysis by the AVAPCD superfluous. After analysis of the historical BACT levels, the BACT levels set elsewhere, and the particular equipment involved the District would produce a preliminary BACT determination which is sent to the applicant for comment. The applicant may then submit information which indicates that BACT should be different from the published BACT levels for a variety of reasons, including but not limited to differences in fuels, differences in use of the equipment, and differences in equipment type or size. If applicant wishes to include an incremental cost effectiveness analysis in its information the District will take such information under consideration in its determination. The District will then analyze this additional information and make a final BACT determination. In some cases the applicant may wish to submit a preliminary BACT analysis with its application. In that situation the District would perform the research and determine if such BACT level was indeed proper and appropriate.

Since a case-by-case BACT analysis utilizes historical and other agencies BACT determinations requiring incremental cost effectiveness analysis for each and every BACT determination appears to be superfluous. The District does not, absent imposing a fee for such services, have the resources to provide such detailed analysis for all BACT determinations.

5. Proposed Rule 1302 – Procedure

This rule will codify the current administrative procedures used within the AVAPCD to process applications for permits. Provisions have been added to integrate the Toxic New Source Review program into the general New Source Review procedures. Any procedural items contained in the current rules have been moved to this rule. Particular amendments are discussed in Table 4.

Table 4
Proposed Rule 1302 – Procedure

Proposed New Rule	Revisions	Comments
1302 (In general)	Rule shifts from Definitions to procedure.	Procedural provisions are now all in one rule.
1302(A)	Applicability section added.	Clarity. Indicates that all permits, including EEGFs, are processed according to the procedure in this rule.
1302(B)(1) (a)(i)	Applications requirement moved from current Rule 1310(a) Sentence 1.	Reorganization
1302(B)(1) (a)(ii)	Requirement for submission of Comprehensive Inventory with all applications added.	Required for necessary analysis under Toxic New Source Review (See Rule 1401).
1302(B)(1) (a)(iii)	Alternative Siting analysis section moved from current Rule 1303(b)(5)(A) and (B).	Reorganization.
1302(B)(1) (a)(iv)	Class I Area Visibility protection section moved from current Rule 1303(b)(5)(C) and 1303 Appendix “B”.	Reorganization.
1302(B)(1) (b)	Completeness determination moved from current Rule 1310(a) Sentence 1.	Reorganization.
1302(B)(1) (c)	Trade secret protection moved from current Rule 1310(c)(3) Sentence 2.	Reorganization.
1302(B)(2)	Notification of completeness section moved and modified from current Rule 1310(a) Sentence 3.	Reorganization, clarification and reflection of current District practices.
1302(B)(3)	Effect of complete application section added.	Implements Health & Safety Code §42322(a)(3).
1302(B)(4)	Fee payment section added.	Clarity. Primarily to ensure payment of fees.
1302(C)(1)	Determination of emissions section added.	Implements Health & Safety Code §42301(a). Reflects current District analysis practices.
1302(C)(2)	Determination of requirements section added.	Implements Health & Safety Code §42301(a). Reflects current District analysis practices.

Proposed New Rule	Revisions	Comments
1302(C)(2)(a)(i)	Small (<25 lbs/day) emitter permit issuance process section added.	Allows small facilities with <25 lbs/day of emissions to be issued permits under Regulation II.
1302(C)(2)(a)(ii)	Small (>25 lbs/day) emitter permit issuance process section added.	Allows small facilities with >25 lbs/day of emissions to be issued permits with BACT conditions under Regulation II.
1302(C)(2)(a)(iii)	“Net out” permit issuance process section added.	Requires engineering analysis of any facility which utilizes SER’s to “Net out” of full NSR process. Allows permit to be issued with BACT conditions under Regulation II.
1302(C)(2)(a)(iv)	Full NSR review continuation of analysis section.	Clarity. Reflects current District analysis practices.
1302(C)(2)(b)	NAAQS analysis moved from 1303(b)(1).	Reorganization.
1302(C)(2)(c)	Toxic NSR analysis provision added.	Required to integrate Toxic NSR analysis into standard NSR provisions. (See Rules 1401 and 1402).
1302(C)(3)(a)	Offset determination analysis moved from 1313(b).	Reorganization.
1302(C)(3)(b)	Offset package notification and approval section added.	Required by USEPA. Reflects current District practices.
1302(D)(1)	Preliminary Decision provision added.	Clarity. Reflects current District practices.
1302(D)(2)	CARB, USEPA and Affected State review provision added.	Clarity. Reflects current District practices. Conforms with Title V requirements. May allow use of NSR process in certain Title V modifications.
1302(D)(3)	Public Review and Comment provision added.	Clarity. Reflects current District practices. Conforms with Title V requirements. May allow use of NSR process in certain Title V modifications.
1302(D)(4)	Final Action section added.	Clarity. Reflects current District practices.
1302(D)(4)(d)	Provision added to only require a second round of public comment if substantive changes have been made after first public comment period.	Clarity. Reflects current District practices.
1302(D)(5)	Issuance of ATC section added.	Clarity. Reflects current District practices.
1302(D)(5)(a)(ii)	Startup period moved from current Rule 1313(d).	Reorganization.
1302(D)(6)	Issuance of PTO section moved from current Rule 1313(c) and (d).	Reorganization.

6. Proposed Rule 1303 – Requirements

This rule sets forth the trigger levels and requirements for the application of Best Available Control Technology and offsetting emissions reductions. Provisions relating to areas outside the jurisdiction of the AVAPCD have been removed. Offset thresholds have been shifted to reflect the Severe-17 ozone non-attainment status of the AVAPCD and to reflect the shift from an aggregate compliance with the FCAA to a source by source, modification by modification compliance strategy.

Commenters have expressed concerns regarding the specific intent of the provisions in 1303(A). In short, these provisions comply with H&S Code §40918(a)(1) and require BACT on new or modified permit units in one of two situations. The first situation is that of a large facility emitting over 25 tons per year of nonattainment air pollutants which is new or being modified as defined in Proposed Rule 1301(QQ). Such facilities require BACT on each new or modified permit unit. The second situation is a new or modified permit unit which in and of itself emits or has the potential to emit over 25 pounds per day of any nonattainment air pollutant. Thus, a large existing facility may not be “Modified” as defined in Proposed Rule 1301(QQ) but still could be required to install BACT on a new or modified permit unit because such unit in and of itself emits over 25 pounds per day of any nonattainment air pollutant.

Specific amendments are discussed in Table 5.

Table 5
Proposed Rule 1303 – Requirements

Proposed New Rule	Revisions	Comments
1303 (In General)	Rule reorganized and non-applicable sections removed.	Provisions which do not apply to Los Angeles County portion of MDAB removed.
1303(A)(1)	BACT requirement for new Permit Units moved from current Rules 1303(a)(1), 1304(a)(4) and 1306(d)(1).	Reorganization.
1303(A)(2)	BACT requirement for modified Permit Units moved from current Rules 1304(a)(4) and 1306(d)(2).	Reorganization.
1303(A)(3)	BACT requirement for Facilities moved from current Rule 1306(d)(1-2).	Reorganization.
1303(A)(4)	Potential to Emit Calculation specified.	Required by CARB.

Proposed New Rule	Revisions	Comments
1303(B)	Offset requirements and threshold table moved and modified from current Rules 1303(b), 1304(d)(4), 1304(c)(5), 1304(d)(1-2), and 1304 Table “A”.	Threshold reverts to that required by FCAA for Severe-17 ozone non-attainment areas and State PM10 non-attainment areas. Reflects shift from “aggregate” compliance with FCAA to unit by unit and facility by facility compliance with FCAA.

7. Proposed Rule 1304 – Emissions Calculations

This rule sets forth the calculations used to determine emissions increases and decreases for proposed new or modified sources of air pollution. Calculations are essentially the same as those found in current Rule 1306. The use of existing Potential to Emit as a substitute for Historic Actual Emissions will be changed to limit its use to equipment which has undergone a prior New Source Review action as opposed to its current ability to be used for any existing equipment. Specific revisions are discussed in Table 6.

Table 6
Proposed Rule 1304 – Emissions Calculations

Proposed New Rule	Revisions	Comments
1304 (In general)	Rule shifts from Exemptions to Emissions Calculations.	Majority of provisions moved from current Rule 1306.
1304(A)	Purpose section moved from current Rule 1306(a).	Reorganization.
1304(B)	General emission calculation moved from current Rule 1306(b) and 1306(d).	Reorganization.
1304(C)	Calculation of SERs moved and modified from current Rules 1304(c)(2) and 1306(c).	Reorganization. Terminology change to differentiate internal offsetting and net out transactions.
1304(D)	Calculation of ERCs moved from current Rule 1304(c)(2).	Reorganization. Terminology change to differentiate ERCs from SERs
1304(E)(1)	Calculation of Proposed Emissions.	Clarity and reorganization. Calculations no longer included in definitions.
1304(E)(2)	Calculation of Historic Actual Emissions moved and modified from current Rule 1306(b)(1-3) and 1306(d)(2)(A).	Clarity and reorganization. Calculations no longer included in definitions. Ability to use PTE to Proposed PTE test limited to those emissions units which were fully offset in a prior NSR action.
1304(E)(3)	Calculation of Potential to Emit.	Clarity and reorganization. Calculations no longer included in definitions.

8. Proposed Rule 1305 – Emissions Offsets

This rule sets forth the calculations and procedures used to determine the amount of offsets necessary for a new or modified source. It will also be used to determine the eligibility for use of offsets. The offset ratio will be modified to reflect the Severe-17 ozone non-attainment status of the AVAPCD and to reflect the shift from an aggregate compliance with the FCAA to a source by source, modification by modification compliance strategy. Specific amendments are discussed in Table 7.

Table 7
Proposed Rule 1305 – Emissions Offsets

Proposed New Rule	Revisions	Comments
1305 (In General)	Rule shifts from Special Permit Provisions to Emissions Offsets.	Provisions moved from 1303. Majority of provisions derived from Health & Safety Code Requirements.
1305(A)(1)	Purpose section added.	Clarity.
1305(A)(2)	Calculation of amount of Offsets necessary.	Clarity. Codifies current District practices.
1305(B)	Eligibility of Offsets added.	Clarity. Codifies current District practices.
1305(B)(3)	Mobile, Area and Indirect Source Emission Reductions added.	Allows use of these types of offsets on a case-by-case basis as required by Health & Safety Code §40714.5.
1305(B)(4)	Interdistrict transfer section added.	Allows use of offsets created within another air district, within the same air basin as required by Health & Safety Code §40709.6.
1305(B)(5)	Interdistrict/Interbasin transfer section added.	Allows use of offsets created within another air district in an upwind air basin as required by Health & Safety Code §40709.6
1305(B)(6)	Interpollutant offsets section added.	Allows use of ERCs from one type of pollutant as offsets for another type of pollutant.
1305(C)(1)	Offset ratio moved and modified.	Reorganization. Offset ratio increases to 1.3 to 1 to conform with the ratio required by FCAA for Severe-17 ozone non-attainment areas and State PM10 non-attainment areas. Reflects shift from “aggregate” compliance with FCAA to unit by unit and facility by facility compliance with FCAA.
1305(C)(3)	Offset ratio for interdistrict/interbasin transfers.	Complies with Health & Safety Code §40709.6.
1305(C)(4)	RACT upon use adjustment added.	Required by USEPA.
1305(D)	Modeling for offset purposes.	

Proposed New Rule	Revisions	Comments
1305(E)	Calculation of Terms.	Clarity. Calculation formulas are slightly different from those found in 1304. Moves calculations from definitions .

9. Rule 1306 – Electric Energy Generating Facilities

This rule presents the requirements which are peculiar to electrical generating facility applications which are also required to obtain permits from the California Energy Commission. Specific provisions are discussed in Table 8.

Table 8
Proposed Rule 1306 – *Electric Energy Generating Facilities*

Proposed New Rule	Revisions	Comments
1306 (In General)	Rule shifts from Emissions Calculations to Electric Energy Generating Facilities.	Adds special provisions required to allow smooth coordination with California Energy Commission siting and permitting process.
1306(A)	General section added.	Allows rule to be used in conjunction with proposed rule 1302 for power plants requiring CEC permits.
1306(B)	Intent to participate section added.	Allows CEC process to be incorporated into NSR time line.
1306(C)	Applications section added.	Allows CEC applications to be used in lieu of normal applications. Conforms timing and deadlines with CEC process.
1306(D)	Determination of Compliance Review section added.	Allows use of proposed rule 1302 analysis process for power plants requiring CEC permits.
1306(E)	Permit Issuance Process section added.	Conforms issuance documents and timing to CEC process.

10. Current Rules 1307 and 1308.

Current Rules 1307 and 1308 are “placeholder” rules with no provisions. They will be removed from the regulation as unnecessary.

11. Rule 1309 – Emission Reduction Credits

This rule sets up the Emission Reduction Credit (ERC) Bank, implements the

banking system and sets forth the procedures to be used to bank ERCs. Specific amendments are discussed in Table 9.

Table 9
Proposed Rule 1309 – *Emission Reduction Credits*

Proposed New Rule	Revisions	Comments
1309 (In General)	Rule reorganized and procedural provisions added for clarity.	Rule is modified to include specific procedures for banking and to comply with Health & Safety Code.
1309(A)	Purpose, applicability and prohibitions sections added.	Clarity. Conforms rule to Health & Safety Code provisions.
1309(B)	Provisions added to set up the ERC registry.	Clarity. Formally sets up the banking system with a specific structure and documents.
1309(C)	Issuance of ERCs provisions moved from current Rule 1309(b).	Reorganization. Procedural provisions added to conform with current District practice.
1309(C)(5)	Public comment provisions moved from current Rule 1310(c).	Reorganization
1309(D)	Granting ERCs section moved and modified from current Rule 1309(b).	Reorganization. Modifications to conform with Health & Safety Code §40714.5.
1309(E)	Transfer, Encumbrance and Readjustment of ERC section added.	Clarity. Provides provisions to conform with current District practice. Conforms provisions with Health & Safety Code 40711(b)
1309(F)	Utilization of ERCs section added.	Provides cross reference to Rule 1305.
1309(G)	Appeal of Incompleteness/Denial section moved and modified from current Rule 1309(b)(2).	Reorganization. Provides procedural cross reference to Health & Safety Code provisions.

12. Current Rule 1309.1

Current Rule 1309.1 will be removed from the regulation as unnecessary.

13. Current Rule 1310

Current Rule 1310 will be removed from the regulation. Its provisions will be moved to proposed Rules 1302 and 1309.

14. Current Rules 1311 and 1312

Current Rules 1311 and 1312 are “placeholder” rules with no provisions. They will be removed from the regulation as unnecessary.

15. Current Rule 1313

Current Rule 1313 will be removed from the regulation. Its provisions will be moved to proposed Rules 1300 and 1302.

16. Effect of Proposed Amendments on Requirements

The major change proposed to Regulation XIII involves the Offset threshold and ratio. Table 10 provides a short summary of the proposed criteria and requirements which will be imposed if the criteria are met.

Table 10
Proposed Amendments for Offsets and Other Requirements

Type of Source	Criteria	Requirements
New Minor Facility	Proposed Emissions < 25 tpy of NOx/SOx/VOC; < 15 tpy of PM10	BACT on all equipment with proposed emissions > 25 lbs/day.
Minor Facility with small modification.	Proposed Emissions as modified < 25 tpy of NOx/SOx/VOC; < 15 tpy of PM10	BACT on any new or modified equipment with proposed emissions > 25 lbs/day.
Minor Facility with major modification. <i>(Can not occur within AVAPCD because a “Significant” increase would make facility Major)</i>	Proposed Emissions as modified < 25 tpy of NOx/SOx/VOC; < 15 tpy of PM10 <u>and</u> the increase is “Significant”	BACT on any new or modified equipment with proposed emissions > 25 lbs/day. Offset emissions increases at 1.3 to 1
Minor Facility with a modification that makes it a Major Facility.	Proposed Emissions as modified >25 tpy of NOx/SOx/VOC; >15 tpy of PM10.	LAER on any new or modified equipment with proposed emissions > 25 lbs/day. Offset all emissions at 1.3 to 1
New Major Facility	Proposed Emissions >25 tpy of NOx/SOx/VOC; >15 tpy of PM10.	LAER on all equipment with proposed emissions > 25 lbs/day. Offset all emissions at 1.3 to 1
Major Facility with any sized modification.	Proposed Emissions as modified >25 tpy of NOx/SOx/VOC; >15 tpy of PM10.	LAER on any new or modified equipment with proposed emissions > 25 lbs/day. Offset emissions increases at 1.3 to 1

C. SIP HISTORY AND ANALYSIS

1. SIP History

Regulation XIII, Current Rules 1301 - 1313, were originally adopted by the SCAQMD and submitted as SIP revisions on a variety of dates. USEPA approved the rules as submitted for the entire jurisdiction of SCAQMD, including the Antelope Valley. Due to the fact that the SIP is attached to the physical land for which it is adopted, the AVAPCD acquired these previous submissions and approvals as they applied to the area of SCAQMD which is now within the AVAPCD. Table 11 shows the SIP status of the current rules of Regulation XIII.

Table 11
SIP Status of Regulation XIII

Rule # & Title	Submission Date	USEPA Action	Citation
1301 – General	04/03/80 ? 03/08/87 8/28/96	Conditional Approval Conditional Approval ? Approved	40 CFR 52.220(c)(68)(i) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013 Presumed no action. 40 CFR 52.220(c)(240)(i)(A)(1) - 12/04/96 61 FR 64291
1302 – Definitions	08/15/80 ? 08/28/96	Conditional Approval Conditional Approval Approved	40 CFR 52.220(c)(70)(i)(A) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013 40 CFR 52.220(c)(240)(i)(A)(1) - 12/04/96 61 FR 64291
1303 – Applicability & Analysis	04/03/80 ?	Conditional Approval Conditional Approval	40 CFR 52.220(c)(68)(i) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013
1303 – Requirements	11/21/86 03/26/90 01/28/92 08/28/96	? ? ? Approved	Presumed no action. Presumed no action. Presumed no action. 40 CFR 52.220(c)(240)(i)(A)(1) - 61 FR 64291
1304 – Exemptions (from Regulation XIII).	04/03/80 ? ? N/A 06/04/86 11/21/86 01/28/92 08/28/96	Conditional Approval Conditional Approval ? Disapproved ? ? ? Approved	40 CFR 52.220(c)(68)(i) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013 40 CFR 52.220(c)(163) - 01/21/81 46 FR 5965 40 CFR 52.233(l)(1)(i) and (ii) - 01/21/81 46 FR 5965 Disapproved former 304(e) and current 304(b)(2) for projects after 1/1/86. Presumed no action. Presumed no action. Presumed no action. 40 CFR 52.220(c)(240)(i)(A)(1) - 12/04/96 61 FR 64291
1305 – Special Permit Provisions	04/03/80 07/10/84 ..	Conditional Approval Conditional Approval ? ..	40 CFR 52.220(c)(68)(i) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013 40 CFR 52.220(c)(155)(iv)(B) ..
1306 – Emissions Calculations	04/03/80 ? N/A .. 11/21/86 03/18/87 01/28/92 08/28/96	Conditional Approval Conditional Approval Disapproved .. ? ? ? Approved	40 CFR 52.220(c)(68)(i) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013 40 CFR 52.233(a)(3)(i) and (ii) - 01/21/81 46 FR 5965, Disapproved (a)(i) sentence 3 and (d)(1)(B)(ii). Presumed no action. Presumed no action. Presumed no action. 40 CFR 52.220(c)(240)(i)(A)(1) - 61 FR 64291
1307 – Emissions Offsets	04/03/80 ? N/A ..	Conditional Approval Conditional Approval Disapproved ..	40 CFR 52.220(c)(68)(i) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013 40 CFR 52.233(a)(3)(iii) - 01/21/81 46 FR 5965 and 05/18/81 46 FR 27116, Disapproved (a).

Rule # & Title	Submission Date	USEPA Action	Citation
1308 – Eligibility of Emissions Offsets	08/15/80 ?	Conditional Approval Approved	40 CFR 52.220(c)(70)(i)(A) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013.
1309 – Emissions Reduction Credits	01/28/92 02/11/94 08/28/96	? ? Approved	Presumed no action. Presumed no action. 40 CFR 52.220(c)(240)(i)(A)(1) - 12/04/96 61 FR 64291
1309.1 – Priority Reserve	01/28/92 08/28/96	? Approved	Presumed no action. 40 CFR 52.220(c)(240)(i)(A)(1) - 12/04/96 61 FR 64291
1310 – Analysis, Notice & Reporting	04/03/80 ? 11/21/86 08/28/96	Conditional Approval Conditional Approval ? Approved	40 CFR 52.220(c)(68)(i) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013 Presumed no action. 40 CFR 52.220(c)(240)(i)(A)(1) - 12/04/96 61 FR 64291
1311 – Power Plants	04/03/80 ? 01/28/92	Conditional Approval Conditional Approval Deleted	40 CFR 52.220(c)(68)(i) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013 40 CFR 52.220(c)(68)(ii)- 12/22/99 64 FR 71660
1313 – Permits to Operate	04/03/80 ? 08/28/96	Conditional Approval Conditional Approval Approved	40 CFR 52.220(c)(68)(i) - 01/21/81 46 FR 5965 40 CFR 52.220(c)(87)(v)(A) - 06/09/82 47 FR 25013 40 CFR 52.220(c)(240)(i)(A)(1) - 61 FR 64291

2. SIP Analysis

The FCAA requirements for SCAQMD, the predecessor of the AVAPCD within the Los Angeles County portion of the MDAB, required a 1.5 to 1 external and 1.3 to 1 internal offset ratio for major sources of Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_x) within the South Coast Air Basin (SCAB) and a 1.3 to 1 offset ratio for major sources of VOC and NO_x within the MDAB and Salton Sea Air Basin (MDAB and SSAB were collectively formerly the Southeast Desert Air Basin). The current version of Regulation XIII – *New Source Review* as approved in the SIP requires all new or modified stationary sources of air pollution to impose the Lowest Achievable Emissions Rate (LAER) on all new or modified equipment and to provide offsets for any emission increases at a ratio of 1.2 to 1. Offsets were provided for by the SCAQMD community bank for emissions increases under four (4) tons per year, certain small businesses, certain small internal combustion engines, and the differential between LAER and BACT for certain small sources. This methodology was found by USEPA in its approval documentation to be equivalent on an aggregate basis to the FCAA requirements for the SCAB, MDAB and SSAB within the SCAQMD.

The AVAPCD does not contain any territory within the SCAB and does not have any community bank emissions to continue the SCAQMD methodology. Therefore, the AVAPCD will be unable to meet the FCAA requirements on an aggregate basis. Since the compliance on an aggregate basis has been found to be equivalent to the total emissions reductions required by the Federal Clean Air Act, returning to the original FCAA requirements for a Severe - 17 ozone non-attainment area will engender no change in air quality. Thus, the proposed amendments will require LAER equivalent on all new or modified equipment at major sources of VOC and NO_x and to provide offsets for any emissions increases at a ratio of 1.3 to 1 (See 42 U.S.C. §7511a(d); FCAA §182(d)). The Regulation will continue to require BACT on any new or modified sources which emit over 25 pounds per day of non-attainment air pollutants as well as continue its major source threshold levels to be consistent with the State non-attainment designations for the AVAPCD.

Calculations for determining threshold levels; emissions increases and decreases; amount of offsets necessary; and emission reduction credit amounts remain essentially the same as those in the current regulation. The use of existing Potential to Emit as a substitute for Historic Actual Emissions in emission increase/decrease calculations will be changed to limit its use only to equipment which has undergone a prior New Source Review action rather than its current ability to be used by any existing emission unit. Therefore, the proposed amendments to Regulation XIII – *New Source Review* obtains emissions control on a source by source, modification by modification basis to that provided on an aggregate basis under the currently approved version in the SIP.

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APPENDIX "A"
Regulation XIII – *New Source Review*
[Iterated Version]

An iterated version of a rule is provided so that changes to an existing rule may be easily identified. **Shaded text** indicates new, moved or revised language. ~~Struck-out text~~ indicates language which is being deleted or moved from its current location. Underlined text (**shaded** or ~~struck-out~~) indicates language which has been changed from the immediately preceding draft of the rule. Normal text identifies language which will remain unchanged. [*Bracketed and italicized*] text indicates explanatory material which is not part of the proposed language and will be removed in the adopted version.

- Rule 1300 – *General*.
- Rule 1301 – *Definitions*.
- Rule 1302 – *Procedure*.
- Rule 1303 – *Requirements*.
- Rule 1304 – *Emissions Calculations*.
- Rule 1305 – *Emissions Offsets*.
- Rule 1306 – *Electric Energy Generating Facilities*.
- Rule 1307 – (Rescinded)
- Rule 1308 – (Rescinded)
- Rule 1309 – *Emission Reduction Credits*.
- Rule 1309.1 – (Rescinded)
- Rule 1310 – (Rescinded)
- Rule 1311 – (Rescinded)
- Rule 1312 – (Rescinded)
- Rule 1313 – (Rescinded)

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APPENDIX "B"
PUBLIC NOTICE DOCUMENTS

1. Proof of Publication, Notice of Public Hearing (Published August 18, 2000, Antelope Valley Press)

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APPENDIX "C"

PUBLIC COMMENTS AND RESPONSES

1. California Air Resources Board (Commenter #1) -- Letter of March 1, 2000.
2. Responses to Comments.
3. Commenter #1 --Letter of April 11, 2000.
4. Responses to Comments.
5. County Sanitation Districts of Los Angeles County (Commenter #2) -- Letter of May 8, 2000.
6. Responses to Comments.
7. Commenter #1 -- Letter of June 19, 2000.
8. Responses to Comments.
9. Commenter #2 -- Letter of September 12, 2000.
10. Responses to Comments.
11. Commenter #1 -- Letter of September 13, 2000.
12. Responses to Comments.
13. Commenter #2 -- Letter of October 16, 2000.
14. Responses to Comments.
15. Commenter #1 -- Letter of November 14, 2000 (No Comment Letter).
16. Lockheed Martin Aeronautics Company (Commenter #3) -- Letter of December 14, 2000.
17. Responses to Comments.
18. U.S. Environmental Protection Agency (Commenter #4) -- Letter of December 15, 2000.
19. Responses to Comments.
20. Commenter #3 -- Letter of February 19, 2001.
21. Responses to Comments.
22. Mountain High Ski Area (Commenter #5) -- Letter of February 20, 2001.
23. Responses to Comments.
24. Commenter #1 -- Letter of February 22, 2001 (No Comment Letter).

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Response to CARB (Commenter #1) – Letter of March 1, 2000

1-1. Comment noted. Please see response to comment 1-27.

Please also note that at the present time the AVAPCD remains classified state “extreme” ozone non-attainment pursuant to the provisions of Health & Safety Code §40921.5(a) based upon readings taken within the South Coast Air Basin (SCAB). The AVAPCD is located solely within the Mojave Desert Air Basin. On October 21, 1997 the AVAPCD Governing Board requested CARB to reclassify the AVAPCD as “moderate” to reflect readings within the AVAPCD and to reflect the overwhelming transport of air pollution from the SCAB. CARB responded with a preliminary assessment that agreed that the appropriate designation for the AVAPCD was “moderate” on March 9, 1998. However, there has been no indication to the AVAPCD that any additional action has been taken on this item since that time.

1-2. The AVAPCD has revised proposed 1301(O) to reflect Health & Safety Code §40406.

1-3. The AVAPCD has revised proposed 1301(QQ) as indicated.

1-4. Comment noted. The phrase “federally enforceable permit limitation” contained in proposed 1301(QQ)(1)(c)(ii) is much more restrictive than the suggested phrase “permit limitation”. Given the necessity of utilizing this regulation in conjunction with the issuance of Title V permits the AVAPCD will retain the current wording.

1-5. The phrase “usual or typical daily operations” is only utilized in this definition. Since “Normal Operations” is not utilized elsewhere in the rule the definition has been removed.

1-6. Typographical error corrected.

1-7. The terms “real, permanent, enforceable, quantifiable and surplus have been added to 1301(UUU). The phrase “federally enforceable” has not been removed due to the necessity of utilizing this regulation in conjunction with the issuance of Title V permits.

1-8. Typographical error corrected.

1-9. Typographical error corrected.

1-10. Comment noted. The AVAPCD considers this clarification to be superfluous since proposed 1303(A) only refers to BACT requirements and specifically does not mention SER’s as part of the calculation for potential to emit for applicability of section (A). However, the AVAPCD has provided such a clarification.

The AVAPCD assumes the secondary comment regarding the definition of SER to be a reiteration of either comment #7 or comment #12.

- 1-11. Comment Noted. Please see response to comment 1-27.
- 1-12. Typographical error corrected.
- 1-13. Calculation containing “control efficiency” removed as obsolete throughout Regulation.
- 1-14. Phrase “in consultation with CARB” has been changed to “in concurrence with CARB” in proposed 1305(B)(3)(a)(iii) and (B)(3)(c)(iii). The phrase has not been change in sections (B)(4)(a) and (B)(5)(a) because the provisions of Health & Safety Code §40709.6 does not give CARB veto power over interbasin and interdistrict transfers. Such power is reserved to the Governing Boards of the affected air districts. Section (B)(6)(a) has been modified to require approval of the APCO, CARB and USEPA.
- 1-15. Typographical error corrected.
- 1-16. The CARB interpretation of this section is incorrect, however, the AVAPCD has revised this section for clarity.
- 1-17. The AVAPCD assumes the cross reference contained in this comment is to comment #16. Please see response 1-16 .
- 1-18. The actions contained in proposed 1309(C)(1)(d)(i) are mutually exclusive. Therefore, the phrase “whichever occurs first” is redundant. References to Title V permits (Regulation XXX) have been removed because the AVAPCD has converted its Title V program to a non-integrated program and as such any modification or cancellation of the Title V permit will occur after any of the actions listed in section (C)(1)(d)(i).
- 1-19. The AVAPCD has added a notification of denial to proposed 1309(C)(2)(b)(i). A 30 day period has not been added to avoid extending the appeal period.
- 1-20. The threshold levels set forth in proposed 1309(C)(4)(a)(iii) are based upon those found in 40 CFR 51.161(d) as appropriate for a Federal serious ozone designation.
- 1-21. The AVAPCD considers the information required by Health & Safety Code §40709(e) to be available from the requirements found in proposed 1309(E)(2)(a)(i). “Annual costs, in dollars per ton, of emissions offsets purchased” can be calculated from the information in subsections (E)(2)(a)(i)c. and (E)(2)(a)(i)d. The “year of offset transaction” can be determined by the request itself and the copy of the executing document required by subsection (E)(2)(a)(i)b. The “amount of offsets by pollutant” and “total cost by pollutant” may also be calculated from subsections (E)(2)(a)(i)c. and (E)(2)(a)(i)d.

1-22. The AVAPCD agrees that offsets created within the South Coast Air Basin but owned by a facility within the jurisdiction of the AVAPCD must meet the requirements of Health & Safety Code §40709.6 either upon transfer to the AVAPCD bank or upon use. Proposed 1309(E)(4)(b) has been modified to reflect this.

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Response to CARB (Commenter #1) – Letter of April 11, 2000

1-22. Cross reference has been modified to utilize definition contained in Proposed Rule 1301(EEE).

1-23. Comment noted. Please see response to comment 1-27.

1-24. Comment noted. Please see response to comment 1-27.

1-25. Written notification of applicant of the withdrawal of the ERC application has been added.

1-26. CARB and USEPA notification threshold has been lowered to levels contained in current Rule 1310(c). Please note all ERCs receive public notice and comment as part of the issuance process.

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Response to LA County Sanitation District (Commenter #2) – Letter of May 8, 2000

2-1. The proposed amendments to Regulation XIII clearly bifurcates NSR into “major” and “minor” levels of review by utilizing a series of thresholds to determine which type of review is necessary. The first trigger level is the BACT requirement (Proposed Rule 1303(A)). If the permit unit does not require BACT it is permitted under Regulation II. (Proposed Rule 1302(C)(2)(a)(i)) The second trigger level is the Offset requirement (Proposed Rule 1303(B)). If the permit unit/facility does not trigger offsets then it is permitted under Regulation II (Proposed Rule 1302(C)(2)(a)(ii)). If, however, the permit unit/facility has reduced its proposed emissions by utilizing simultaneous emissions reductions in a so called “net-out” transaction a full engineering analysis is produced and then it is permitted under Regulation II (Proposed Rule 1302(C)(2)(a)(iii)). If the permit unit/facility requires offsets then a full New Source Review analysis is performed (Proposed Rule 1302(C)(2)(a)(iv)).

2-2. Comment noted. Please see response 2-10.

2-3. Flexibility in the potential sources of offsets are provided. Please see Proposed Rule 1309(C)(3) which requires that all calculations of ERCs be performed pursuant to Proposed Rule 1304(D). Rule 1304(D)(2)(c) allows calculations of ERCs from mobile, area and indirect sources to be performed pursuant to a protocol as approved by CARB and USEPA. Please also see Proposed Rule 1305(B)(3) regarding the eligibility for use of offsets generated from mobile, area and indirect sources.

2-4. A Priority Reserve may only be “funded” from valid ERCs. The most common funding mechanism is a deduction from each ERC issued. Given the dearth of offsets within the AVAPCD it is highly unlikely that a priority reserve would amass enough ERCs to provide offsets for any projects. Therefore, the AVAPCD is not considering a priority reserve at this time. The AVAPCD will consider such a reserve if circumstances change and/or an alternative funding mechanism is found.

2-5. The purpose and effect of the *[bracketed italicized]* references contained in the proposed rule have been misunderstood. These references are notations regarding previous locations, derivation and other intent based information necessary to explain the proposed changes. These notations are for informational purposes only and will be removed in the final adopted version. They ARE NOT direct citations to the referenced code, rule or regulation. If a direct citation or cross reference utilizing the exact wording of the underlying statute, rule or regulation is necessary the appropriate cross reference will generally appear in the text. See for example the definition “Reactive Organic Compound” which cross references compounds contained in a list located at 17 Cal. Code Regs §94508(a)(90)(1-2).

2-6. All comments, including CARB and USEPA communications referenced in the *[bracketed italicized]* references, are available upon request.

2-7. Current Rule 219(D)(2)(f) exempts state-registered IC engines from the requirement of having a permit. Therefore, by its terms Proposed Rule 1300(B)(1)(a) would not require NSR analysis from a state-registered IC engine. A change to proposed Rule 1300(D) is not necessary.

Please note, Current Rule 1304(a)(7-8) exempts certain portable IC engines from the offset and modeling provisions only. BACT requirements and the inclusion of such engines in certain facility wide calculations is still required, regardless of the State-registered status of the engine.

2-8. Typographical error has been corrected.

2-9. Comment noted. Please see definitions “Begin Actual Construction” and “Commence Construction” in Proposed Rule 1301(M) and (S) respectively.

2-10. Current Rule 1302(f) also contains this attempted combination of BACT/LAER. This was meant to reflect the fact that California and especially SCAQMD BACT determinations were most often LAER in practice. The definition was also meant to harmonize the California BACT requirements (Health & Safety Code §40918(a)) with the Federal LAER requirements (42 U.S.C. §§7503(a)(2) and 4511a(c)(7-8); FCAA §§173(a)(2) and 182(c)(7-8)).

The net result of the intersection of California and Federal requirements is as follows:

1. New Federal “Major Sources” must have LAER (42 U.S.C. §7503(a)(2); FCAA §173(a)(2)).
2. Modifications at Federal “Major Sources” must put LAER on the new or modified equipment (42 U.S.C. §7511a(c)(8)) but they can’t have less than BACT on all the new or modified equipment (Health & Safety Code §40918(a)(1), Sentence 1).
3. New sources with PTE of over 25 tpy of any nonattainment pollutant but which is not a Federal Major Source must have BACT (Health & Safety Code §40918(a)(1) Sentence 1).
4. Modifications at a source with PTE of over 25 tpy of any nonattainment pollutant but which is not a Federal Major Source must have BACT on all the new or modified equipment (Health & Safety Code §40918(a)(1) Sentence 1).
5. New minor sources (PTE less than 25 tpy) with equipment emitting over 25 lbs/day of any nonattainment air pollutant must have BACT (42 U.S.C. §7511a(c)(7); FCAA 182(c)(7); Health & Safety Code §40918(a)(1) Sentence 2).
6. Modifications at a minor source (PTE less than 25 tpy) must have BACT on any new or modified equipment emitting over 25 lbs/day of any nonattainment air pollutant. (42 U.S.C. §7511a(c)(7); FCAA 182(c)(7); Health & Safety Code §40918(a)(1) Sentence 2).

Proposed Rule 1301(N) has been modified to reflect this.

2-11. The term “Daily Emissions Limitation” is not used in the regulation and has been removed from Proposed Rule 1301. The term “Emissions Limitation” (Current Rule 1302(i)) is used in the regulation and has been added to Proposed Rule 1301as Subsection (Y).

2-12. The AVAPCD is a political entity which has a specific jurisdiction as defined both statutorily and in the District Rules. Therefore, this definition will not be changed.

2-13. USEPA has required that any significant increase in emissions (a “major modification”) at any facility be offset (See Proposed Rule 1303(B)(2)). Therefore the definition of “major modification” must reflect this. Please note that due to the threshold levels for a “major facility” a “major modification” occurring at a non-major facility will automatically render that facility a major facility.

2-14. Typographical error corrected.

2-15. Comment noted. Replacement with identical equipment is not a modification.

2-16. Outline sequence has been adjusted.

2-17. USEPA has indicated that it believes that there is no statutory or regulatory authority allowing approval of an NSR rule containing such an exception without additional limitations. Therefore, limitation of the exemption to allow USEPA case by case objection is necessary to retain the exception in the rule. Please note that regardless of this provision, USEPA pursuant to its oversight and enforcement authority can object at any time after local permit issuance to the propriety of replacement equipment not being subject to NSR analysis.

2-18. USEPA has indicated that it believes that there is no statutory or regulatory authority allowing its approval of an NSR rule containing such an exception without limitation of the exemption to minor facilities.

2-19. USEPA has indicated that it believes that there is no statutory or regulatory authority allowing its approval of an NSR rule containing such an exception without limitations included in the proposed rule.

2-20. Closing an existing, outlying facility and consolidating it with another existing facility would not constitute a relocation under this definition. Therefore, an NSR analysis would need to be performed and most likely the modification would be small enough to be permitted under Regulation II.

2-21. Technically this exemption is a “Minor NSR” activity and therefore not directly regulated under the Federal Clean Air Act and the regulations promulgated thereunder. However, USEPA has indicated that it believes that there is no statutory or regulatory authority allowing its approval of an NSR rule containing such an exception without the limitations included in the proposed rule.

2-22. Typographical error corrected.

2-23. The word “if” has been added to this definition. The changed sentence now reads: “Permanence may generally be assured for sources subject to federal requirements by requiring federally enforceable changes in source permits, or if applicable state regulations reflect a reduced level of allowable emissions.”

2-24. The definition of RACT in Proposed Rule 1301(LL) is functionally equivalent to that found in 40 CFR 51.100(o) and will not be applied more stringently than the federal definition. Please note that 40 CFR 51.100(o)(3) only applies to RACT for the purposes of 40 CFR 51.341(b) and is not a part of the general federal RACT definition.

2-25. Comment noted. Please see 40 CFR 51.166(b)(23)(i). Please also note that the AVAPCD is State nonattainment for PM. To avoid conflict and confusion the significance levels for PM correspond with the State “major source” provisions.

2-26. By its terms Proposed Rule 1302(B)(1)(a)(ii) only applies to those facilities which require an alternative site analysis under 42 U.S.C. §7503(a)(5) (FCAA §173(a)(5)). Non-major facilities do not require an alternative site analysis under the Federal Clean Air Act.

2-27. In general, undefined terms contained in statutes and regulations are given their plain meaning as found in a Dictionary.

2-28. Proposed Rule 1302(D)(4)(d) has been modified to require publication of final action only if the preliminary decision (draft permit) has undergone substantive changes after the opening of the public comment period. If the preliminary decision does not require modification then no further publication will be necessary.

2-29. Typographical error corrected.

2-30. Comment noted. Please see Health & Safety Code §40918(a)(1) Sentence 2.

2-31. Comment noted. Please see Health & Safety Code §40918(a)(1) Sentence 2.

2-32. Comment noted. Please see Health & Safety Code §40918(a)(1) Sentence 1.

2-33. USEPA has required that any significant increase in emissions (a “major modification”)

at any facility be offset (See Proposed Rule 1303(B)(2)). Please note that the AVAPCD is State nonattainment for PM. The PM10 offset threshold is consistent with this designation. In addition, please see Current Rules 1303(b)(2) and 1304(d)(2)(B).

2-34. Comment noted. Please see response to comment 1-27.

2-35. Comment noted. Please see response to comment 1-27.

2-36. All current interpretation of statutes and regulations by both USEPA and CARB require emissions increases to be calculated using a comparison of actual emissions to proposed potential emissions. This is primarily because actual emissions are not available with any degree of reliability until after a Facility has been built or modified. The Federal Clean Air Act specifically requires analysis before construction or modification (42 U.S.C. §§7475, 7502(c)(5), and 7503; FCAA §§165, 172(c)(5) and 173. Please see also current Rules 1306(b) and 1306(d).

2-37. Comment noted. Please see response to comment 1- 12.

2-38. Please see USEPA Emission Trading Policy Statement, 51 FR 43829 12/4/1986 and USEPA Memo dated 8/25/1994 “Response to Request for Guidance on use of Pre-1990 ERCs and Adjusting for RACT at Time of Use”.

2-39. Comment noted. Please see response 2-36.

2-40. Comment noted.

2-41. Please note that HAE is generally calculated based upon the last two years of annual emissions data. HAE for a short term facility will in the large majority of cases be very small. There is also the high likelihood that such a facility is also an area source which must be treated differently than a standard facility to ensure the quality of offsets produced, if any.

2-42. PTE must include potential growth as represented by banked ERCs.

2-43. Proposed Rule 1305(A)(2)(B)(iii) provides a calculation method for all modifications to a major facility which require offsets.

2-44. Please see Proposed Rule 1305(B)(3)(A) which covers mobile source AERs. AERs are not banked and used as SERs in a “net-out” transaction or as a part of an offset package. Mobile source ERCs, on the other hand, would not be fully enforceable unless banked.

2-45. Since AERs are only utilized without conversion to ERCs when they are involved in a “net-out” transaction or as part of an offset package, “issuance of the New Source Review Document” refers to the issuance of the engineering evaluation and ATC under Proposed Rule 1302(C)(2)(iii) or the issuance of the final report required by Proposed Rule 1302(D)(4)(a).

2-46. Comment noted. Please see response 2-38.

2-47. Comment noted. Please see response 2-27.

2-48. Comment noted. Please see response 2-42.

2-49. There currently is no agreed upon formula for calculation of these types of credits. CARB and USEPA are currently formulating such calculations. Until such time as CARB and USEPA agree upon formulas the case-by-case approval provisions avoid the potential for late objections to a particular NSR or offset package.

2-50. No.

2-51. Typographical error corrected.

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Response to CARB (Commenter #1) – Letter of June 19, 2000

1-27 The Federal De Minimis provision has been removed from proposed Rule 1303.

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**Response to L.A. County Sanitation District (Commenter #2) –
Letter of September 12, 2000**

- 2-52. Comment noted. If implemented the District Governing Board would be required to formally adopt and periodically update a BACT determination for each potential category or class of source within the District. The District does not have the resources to undertake such a task.
- 2-53. Comment noted. Pursuant to Current Rule 1309(b)(4) Emission Reduction Credits (ERCs) must be real; quantifiable, permanent; and federally enforceable (See also 40 CFR 51.165(a)(3)(ii)(C)(1)). ERCs may only be granted for emissions reductions which are not otherwise required by Federal, State or District law, rule, order permit or requirement. (40 CFR 51.165(a)(3)(ii)(A); Health & Safety Code §40709(a)). While SCAQMD did not apply an across the board BACT reduction within the Antelope Valley it did modify all ERCs to reflect the emissions reductions required by SCAQMD rules. Such rules are at least RACT and in many cases are BACT. If such adjustment was not performed the ERCs would not be considered “surplus”. The proposed regulation continues this state and federal mandated adjustment.
- 2-54. Commenter’s understanding is inaccurate. Emissions reductions are calculated and adjusted to reflect surplus reductions over and above the amount of control required by existing District rules as well as rules proposed in any currently approved planning documents. The limits in existing and proposed District rules reflect at the minimum RACT and in many cases BACT. The emissions reductions as adjusted become ERCs and are placed in the bank. Once in the bank the District can not change them unless a rule which was proposed in a planning document is not adopted and thereafter removed from the planning document. Pursuant to USEPA requirements, ERCs must be compared against RACT for the category or class of source at the time of use. If RACT is more stringent than the adjustment for existing and/or proposed rules that was taken at the time of the creation of the ERC then the amount available for use is reduced to reflect the difference.
- 2-55. Rule 1301(Z) has been modified to clarify that emissions limitations may be expressed in appropriate units of measure other than daily.
- 2-56. Rule 1302(B)(1)(a) has been modified to clarify that applicants with current approved Comprehensive Emissions Inventory can update the inventory, upon approval of the APCO, as opposed to submitting a new inventory with each application.
- 2-57. Comment noted. See response 2-4.
- 2-58. Rule 1302(c)(3)(b)(ii)a. has been modified to clarify that “contemporaneous” has the same intent and meaning as in Rule 1309.

- 2-59. Comment noted. There are many types of modeling which have been approved by CARB and USEPA for a variety of purposes. Not all models are appropriate for all situations. Therefore, the particular model used as well as the assumptions need to be reviewed and approved by the APCO prior to use.
- 2-60. Comment noted. Compliance certification for all facilities allows the District to review compliance history of each facility. See Health & Safety Code §§42330 et seq.

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Response to CARB (Commenter #1) – Letter of September 13, 2000

- 1-28. Definition of Best Available Control Technology (BACT) has been modified to clarify the intent that Non-Major Facilities use California BACT as opposed to Federal BACT.
- 1-29. Rule 1303(B)(4) has been modified to clarify that once a Non-Major Facility has a Potential to Emit above the offset threshold found in 1303(B)(1) it must offset its entire emissions.
- 1-30. Rule 1304(E)(2)(iv) has been modified.

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Response to L.A. County Sanitation Districts (Commenter #2) -- Letter of October 16, 2000

2-61 Comment noted. See response 2-52 and Staff Report section IV. B. 4.

2-62 Comment noted. See responses 2-38, 2-53 and 2-54. Please also note proposed notice of final rule making for BAAQMD's New Source Review Rule.

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Response to Lockheed Martin (Commenter #3) - Letter of December 14, 2000

3-1 Comment noted. CARB has expressed great reservations regarding the language found in current Rule 1306(d)(2). CARB has previously indicated that a formula to determine emission increases which uses Post-modification Potential to Emit - Pre-modification Potential to Emit (Potential to Potential Test) without any limitation is unacceptable and will result in CARB disapproval of the entire proposed amended Regulation XIII. CARB has also indicated that the approval of current Rule 1306(d)(2) language was based upon the assumption that all permitting action which was taken by SCAQMD pursuant to Regulation XIII or prior rule 213 required offsets. Given the above CARB has suggested that the District limit the use of a Potential to Potential Test to those situations where offsets were provided in the prior permitting action. In general, any permitting action taken by SCAQMD pursuant to Regulation XIII or prior rule 213 where the action resulted in potential to emit above the offset threshold must be presumed to have been properly permitted with offsets. Therefore, the limitation of the use of a Potential to Potential Test to those situations where offsets were provided should have little if any impact upon future permitting activities at existing facilities.

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Response to USEPA (Commenter #4) - Letter of December 15, 2000

4-1 Comment noted. Health & Safety Code §40714.5 requires that the District allow for the use of area, indirect, and mobile source offsets interchangeably with those offsets provided from stationary sources in all situations possible. The District understands USEPA's concerns that area, indirect and mobile sources offsets have many difficulties most notably in the areas of quantification and enforceability before they can be used. This is the rationale behind requiring an affirmative approval of both CARB and USEPA prior to the use of area, indirect and mobile sources in lieu of or in combination with stationary source offsets. The net effect of these provisions is to provide a veto over the use of any area, indirect or mobile source offsets to CARB and USEPA. These provisions merely allow for a case-by-case consideration of each proposed project. Without these provisions the District would not be able to consider on a case-by-case basis any proposed project which might possibly use area, indirect or mobile source offsets without amending the new source review rule prior to the application being submitted.

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Response to Lockheed Martin (Commenter #3) - Letter of February 19, 2001

3-2 Comment noted. New or modified facilities with a potential to emit greater than 25 tons per year of any nonattainment air pollutant are required to install BACT on all new or modified equipment (Proposed Amended Rule 1303(A)(3)). Such existing large facilities often have facility-wide emission “caps” or emission “bubbles” on certain equipment which limit emissions to a specified rate. Commenter is expressing concern regarding the interrelationship between such “caps” and the BACT requirements.

An existing facility is only modified when the change results in a net emissions increase of any Regulated Air Pollutant or the emission of a Regulated Air Pollutant not previously emitted (Proposed Amended Rule 1301(QQ)). Net emissions increases are calculated pursuant to Proposed Rule 1304. The general calculation method is HAE - Proposed Emissions (Proposed Amended Rule 1304(B)(1)(a)). Historical Potential to Emit may be substituted for HAE when the Potential to Emit was previously offset in a prior permitting action pursuant to Regulation XIII or prior Rule 213 (Proposed Amended Rule 1304(E)(2)(a)(iv)). Historically the emissions “caps” or “bubbles” at existing large facilities were established pursuant to a Regulation XIII permitting action which were properly offset. Thus, if the proposed new or modified equipment is to be included under the “cap” or “bubble” the calculation would not show an emission increase and such action would not immediately subject the new or modified emissions unit to BACT under Proposed Amended Rule 1303(A)(3). However, the analysis of this activity would not cease at this point. An analysis of the proposed emissions for the new or modified emissions unit on a stand alone basis would also be required pursuant to Proposed Amended Rule 1303(A)(1) and (2). Thus, if the proposed new or modified emissions unit emits or has the potential to emit greater than 25 pounds per day of a nonattainment air pollutant the emission unit would be required to be equipped with BACT regardless of the non-applicability of Proposed Amended Rule 1303(A)(3). Please note that due to the removal of current Rule 1303(a)(2), BACT for particular emissions units is determined on a case-by-case basis.

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Response to Mountain High Ski Area (Commenter #5) - Letter of February 20, 2001

5-1 Comment noted. Please see Proposed Amended Rule 1300(B). Emissions Units which do not require a permit pursuant to District Regulation II are exempt from this regulation. District Rule 219(C)(2)(f) exempts portable equipment which is registered under the California Statewide Portable Equipment Registration Program from permits.

5-2 Comment noted. So called “green” power generation such as fuel cell, solar, or wind may also result in the collateral emissions of nonattainment air pollutants. If a particular proposed facility has such emissions it would be subject to at least a basic new source review analysis pursuant to Proposed Amended Rule 1302. However, it is most likely that an analysis of this type of facility would determine that it was either exempt from permit under District Rule 219 and thus exempt pursuant to Proposed Amended Rule 1300(B) or that any emissions were less than the thresholds contained in Proposed Amended Rule 1303. Thus, a specific category wide exemption is unnecessary.

5-3 Comment noted. The definition of ATC is specific to the “building, erecting, installation, alteration or replacement of any *Permit Unit*” (Proposed Amended Rule 1301(K), emphasis added). Thus, by definition construction may commence on other portions of a project which are not related to the applicable “permit unit”. Please note that USEPA interpretation of certain Federal Regulations including but not limited to 40 CFR 51.160(b), 51.165(a)(1)(xv), 51.165(a)(1)(xvi), 51.165(a)(1)(xviii), 51.165(b)(3) and 51.166(i)(1) have held that certain types of construction may not be commenced pending completion of the new source review process. These regulatory limitations are generally only applicable when a full new source review analysis, including the provision of offsets, is necessary.

5-4 Comment noted. Please see 40 CFR 51.100(o) and Health & Safety Code §41650(b).

5-5 Comment noted. Please note that alternative siting analysis is only performed when required by federal law (see 42 U.S.C. §7503(a)(5)). Federal law requires such analysis for major facilities and major modifications.

5-6 Comment noted.

5-7 Comment noted. Any modification (major or non-major) to a major facility which causes a net increase in the emission of air contaminants would require offsets. Thus, a distinction between major and non-major modifications is unnecessary.

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APPENDIX "D"

CALIFORNIA ENVIRONMENTAL QUALITY ACT DOCUMENTATION

1. Letter to State CEQA Clearinghouse, August 9, 2000
2. Notice of Completion & Environmental Document Transmission
3. Notice of Intent to Adopt Negative Declaration
4. Environmental Assessment
5. Initial Study Checklist
6. Proof of Publication Notice of Intent to Adopt Negative Declaration (Published August 11, 2000 Antelope Valley Press
7. Acknowledgment of Receipt, State Clearinghouse -- August 23, 2000
8. No Comments Letter, State Clearinghouse -- September 14, 2000
9. Late Comments Letter, State Clearinghouse -- September 26, 2000
10. Fish and Game Fee Exemption
11. Notice of Determination (Draft).

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APPENDIX "E"

BIBLIOGRAPHY

USEPA Materials:

1. Emission Trading Policy Statement, 51 FR 43829 (December 4, 1986)
2. Proposed Rule Approving Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District, 63 FR 59924 (November 6, 1998)
3. Proposed Rule Approving Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control Agency, 64 FR 43892 (August 6, 1999)
4. S. Ringer and M. Haber, *Technical Support Document for EPA's Notice of Proposed Rulemaking for the California State Implementation Plan, Mojave Desert Air Quality Management District New Source Review* (October 13, 1995)
5. G. Rios, *Technical Support Document for EPA's Notice of Final Rulemaking for the California State Implementation Plan, South Coast Air Quality Management District New Source Review* (October 24, 1996)
6. Memorandum from J. Saitz to D. Howekamp, *Response to Request for Guidance on Use of Pre-1990 ERC's and Adjusting for RACT at Time of Use* (August 25, 1994)
7. Letter from M. Haber to C. Fryxell, *Review of MDAQMD 1994 NSR submission* (March 10, 1995)

CARB Materials:

1. *Air Resources Board Staff's Basis for a Determination that a District's No-Net-Increase Permitting Program Is Not Necessary Pursuant to Health and Safety Code §40918.5 and 40918.6* (October 31, 1997)
2. L. Krinsk, *Memorandum: Interpretation of Health and Safety Code §40919(b)* (March 8, 1993)
3. L. Krinsk, *Memorandum: No net increase permit program* (March 10, 1993)

SCAQMD Materials

1. *Amend Regulation XIII – New Source Review and Rule 212 – Standards for Approving Permits, and Rescind Rules 213 – Standards for Permits to Construct, 213.1 – Standards for Permits to Operate, 213.2 – Definitions, 213.3 – Additional Standards for Permits to Construct and Operate, 203.1 – Special Permit Provisions, 203.2 – Eligibility of Compensatory Emission Reductions, and 204.1 – Special Permit Conditions, SCAQMD Governing Board Agenda Item 41 (June 18, 1990)*
2. *Adopt Amendments to Rules 1302 – Definitions, 1303 – Requirements, 1304 – Exemptions; 1306– Emission Calculations, 1309 – Emission Reduction Credits and 1309.1 – Community Bank and Priority Reserve, SCAQMD Governing Board Agenda Item 41 (April 15, 1991)*
3. *Amend Regulation XIII – New Source Review and Rule 212 – Standards for Approving Permits, SCAQMD Governing Board Agenda Item 39 (November 17, 1995)*
4. *Draft Environmental Assessment for Proposed Amended Rules 1302 – Definitions, 1303 – Requirements, 1306 – Emissions Calculations, and 2000 – General (July 6, 2000).*